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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DOUGLAS WAYNE PERRY,

11 Plaintiff,  
12 vs.

No. CIV S-04-868 JAM EFB PS

13 PAUL ZUPAN, et al.,

14 Defendants.

ORDER TO SHOW CAUSE

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16 This court's order filed October 2, 2008, noted that plaintiff's counsel, Derk Wayne  
17 Schutmaat, is no longer a member in good standing with the State Bar of California and therefore  
18 ineligible to practice law or appear in a representative capacity before this court. Mr. Schutmaat  
19 was ordered to file, within ten days: (1) a response to the court's order to show cause why he  
20 should not be deemed to have withdrawn as attorney of record for plaintiff; and (2) certification  
21 that Mr. Schutmaat personally served the court's October 2, 2008, order upon plaintiff.

22 Mr. Schutmaat has not responded to the court's order nor filed a certification of service  
23 and is in violation of the order.

24 As previously noted, the local rules of this court authorized sanctions upon counsel for  
25 failure to notify the court of a change in Bar membership, unauthorized practice before this  
26 court, or failure to meet the standards of professional conduct. *See* E.D. Cal. L. R. 83-180(c),

1 (d), and (e). *See also*, California State Bar Rules of Professional Conduct.

2 Accordingly, Mr. Schutmaat is HEREBY ORDERED TO APPEAR BEFORE THIS  
3 COURT on December 10, 2008, at 10:00 a.m., in Courtroom No. 25, to SHOW CAUSE why  
4 monetary and/or other sanctions should not be imposed upon him personally for failure to abide  
5 by the court's October 2, 2008 order. He shall also address what steps he has taken to comply  
6 with the court's earlier order filed on October 2, 2008.

7 Mr. Schutmaat is further ORDERED to address in writing, on or before December 3,  
8 2008, why such sanctions should not be imposed.

9 The court shall address the withdrawal of Mr. Schutmaat's representation in this case at  
10 the SHOW CAUSE HEARING on December 10, 2008. *See generally*, E. D. Cal. L. R. 83-182  
11 (d) ("Leave to withdraw may be granted subject to such appropriate conditions as the Court  
12 deems fit").

13 IT IS SO ORDERED.

14 DATED: November 24, 2008.

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16 EDMUND F. BRENNAN  
17 UNITED STATES MAGISTRATE JUDGE  
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